

REMARKS

The following remarks form a full and complete response to the Office Action dated September 16, 2008. Claims 1-30 and 32-43 remain pending in the present application, but claims 1-8, 16-23, 32, and 38 were previously withdrawn as directed to non-elected subject matter. Accordingly, claims 9-15, 24-30, 33-37, and 39-43 are submitted for consideration.

Claim Rejections Under 35 U.S.C. § 102

The Office rejected claims 9-13, 24-28, 33-35 and 39-41 under 35 U.S.C. § 102(e) as anticipated by U.S. Pub. Application No. 2004/0210942 A1 by Lemmons (“Lemmons”).

Applicants traverse this rejection on the basis that claims 9-13, 24-28, 33-35 and 39-41 recite subject matter not disclosed by Lemmons.

Independent claim 9 recites a method of broadcasting a television program including interactive content. The method comprises broadcasting over a television network a stream of audiovisual data for display by a receiver. Additionally, the method includes broadcasting over the television network a separate stream of interactive content data for storage at the receiver. The stream of audiovisual data includes codes in response to the receipt of which the receiver is intended to include the stored interactive content data in the display of the audiovisual data.

Independent claim 10 recites a method of receiving a television program including interactive content. The method includes receiving over a television network a broadcast stream of audiovisual data for display and receiving over the television network a separate broadcast stream of interactive content data. The method also includes the step of storing the interactive content data and responding to codes in the stream of audiovisual data to include the stored interactive content data in the display of the audiovisual data.

Independent claim 24 recites an apparatus for broadcasting a television program including interactive content. The apparatus includes a transmitter for broadcasting over a television network a stream of audiovisual data for display by a receiver. The transmitter can also broadcast over the television network a separate stream of interactive content data for storage at the receiver. The apparatus also includes an encoder for including codes in the stream of

audiovisual data in response to the receipt of which codes the receiver is intended to include the stored interactive content data in the display of the audiovisual data.

Independent claim 25 recites an apparatus for receiving a television program including interactive content. The apparatus includes a receiver for receiving over a television network a broadcast stream of audiovisual data for display and receiving over the television network a separate broadcast stream of interactive content data. The apparatus also includes a memory for storing the interactive content data and a decoder for responding to codes in the audiovisual data to include the stored interactive content data in the display of the audiovisual data.

The disclosure of Lemmons relates to interactive video systems. *See* Lemmons at ¶ 3. In particular, the invention disclosed by Lemmons overcomes the disadvantages and limitations of the prior art by providing a system in which “triggers” can be used to access demographic and/or preference information of viewers to obtain targeted information for display with a video signal. *Id.* at ¶ 7. The trigger information can indicate when targeted data should be downloaded from a specific selected address, which may be in advance of the actual display of the targeted data, or in real time. *Id.* at ¶ 24. Lemmons, however, fails to disclose each and every feature of the claimed invention.

For example, Lemmons fails to disclose broadcasting over a television network a stream of audiovisual data for display by a receiver and broadcasting over the television network a separate stream of interactive content data for storage at the receiver, as claim 9 requires. Instead, Lemmons discloses downloading data from a website based on trigger information. *See* Lemmons at ¶ 24. That is, the targeted data is not broadcast over a television network as a separate stream; rather, it is downloaded from a given website by the receiver. Accordingly, Lemmons fails to disclose each and every element of claim 9.

Claim 10 is patentable over Lemmons because, in the very least, it recites receiving over a television network a broadcast stream of audiovisual data for display and receiving over the television network a separate broadcast stream of interactive content data. As noted with regard to claim 9, Lemmons fails to disclose broadcasting a separate stream of interactive content data; it downloads targeted data. Accordingly, Lemmons fails to disclose each and every element of claim 10.

Similarly to claim 9, claim 24 discloses an apparatus comprising a transmitter for broadcasting over a television network a stream of audiovisual data for display by a receiver and broadcasting over the television network a separate stream of interactive content data for storage at the receiver. As discussed above, Lemmons discloses downloading targeted data instead of broadcasting interactive content data. Accordingly, Lemmons fails to disclose each and every element of claim 24.

Much like claim 10, claim 25 discloses an apparatus comprising a receiver for receiving over a television network a broadcast stream of audiovisual data for display and receiving over the television network a separate broadcast stream of interactive content data. As noted above, Lemmons discloses downloading targeted data instead of receiving a separate broadcast stream of interactive content data. Accordingly, Lemmons fails to disclose each and every element of claim 25.

Thus, Lemmons fails to disclose each and every feature of independent claims 9, 10, 24, and 25. Applicants, therefore, respectfully request withdrawal of the rejection of claims 9, 10, 24, and 25 as well as their dependent claims 11-13, 26-28, 33-35, and 39-41.

Claim Rejections Under 35 U.S.C. § 103

The Office rejected claims 14-15, 29-30, 36-37, and 42-43 under 35 U.S.C. § 103(a) as unpatentable over Lemmons. Applicants traverse the rejection on the basis that claims 14-15, 29-30, 36-37, and 42-43 recite subject matter neither disclosed nor suggested by Lemmons. For instance, each of claims 14-15, 29-30, 36-37, and 42-43 depends from a base claim that is allowable over Lemmons, as discussed above. Applicants, therefore, respectfully request withdrawal of the rejection of claims 14-15, 29-30, 36-37, and 42-43.

Claim Objections

The Office Action objected to claims 9 and 24 because of a perceived lack of clarity in the “codes in response to the receipt of which the receiver is intended to include the stored interactive content data” language. Applicants submit that the meaning of the claim language as presently written is quite clear – particularly when the claims are read in view of the written

description. For instance, the specification describes a non-limiting embodiment that falls within the scope of the claim language:

In this example, subtitle data packets are output for display by the processor 23 using interactive services software. Similarly, codes included in Teletext page 7AA are identified by the processor 23 using interactive services software. More specifically, the processor 23 responds to receipt of a code in page 7AA by retrieving stored interactive content data identified by the code, e.g. a page of graphics, and including it in the display of audiovisual data.

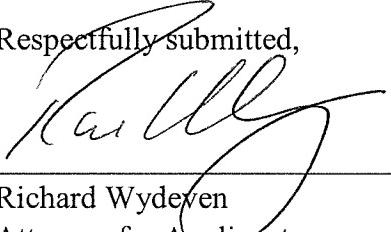
See Specification at p. 21, lines 1-7. As the claim language, as written, is sufficiently clear, Applicants respectfully request withdrawal of the objection to claims 9 and 24.

CONCLUSION

As each of the rejections and objections has been addressed, Applicants submit that claims 9-15, 24-30, 33-37, and 39-43 are patentable for at least the reasons set forth above. Applicants therefore request that the Office allow claims 9-15, 24-30, 33-37, and 39-43 and pass the application to issue.

Applicants respectfully petition for a three (3) month extension of time under 37 C.F.R. §1.136. Any fees for such an extension, including the fees set forth under 37 C.F.R. § 1.17(a)(3), together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

By:

Richard Wydeven
Attorney for Applicants
Registration No. 39,881
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040